

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

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|--|---|----------------------------|
| VICTOR BERNARD LYLES, SR., | : | |
| | : | |
| Plaintiff | : | |
| | : | |
| VS. | : | |
| | : | |
| DR. DeWAYNE AYERS, <i>et al.</i>, | : | NO. 1:06-cv-56(WLS) |
| | : | |
| Defendants | : | |

O R D E R

Presently pending herein is at least *pro se* plaintiff's second motion for appointed counsel.¹ Generally speaking, prisoners have no constitutional right to appointment of counsel in a civil action and appointment of counsel should be made in such civil cases only in exceptional circumstances. Wahl v. McIver, 773 F.2d 1169, 1172 (11th Cir. 1985); Lopez v. Reyes, 692 F.2d 15, 17 (5th Cir. 1982). Thus far in this litigation plaintiff has demonstrated a grasp of the issues and an ability to represent himself. He has filed several motions and pleadings and has been actively engaged in discovery. Plaintiff alleges that he suffers from carpal tunnel syndrome and will need to undergo surgery for this condition in the near future. Plaintiff has stated on at least two different occasions that he will be undergoing surgery for his condition within the next ninety days but has thus far not provided the court with a date for this to occur. Although plaintiff states that his condition makes it painful for him to write the court notes that his penmanship is very neat, legible and uniform. More importantly plaintiff has done a good job of expressing himself. In short, plaintiff has failed to demonstrate the existence of exceptional

¹Defendants refer to this motion as plaintiff's third motion for appointed counsel.

circumstances which would require the appointment of an attorney. In the event the circumstances change and the need for the appointment of counsel is shown due to exceptional circumstances the court will appoint counsel at that time. For the above and foregoing reasons plaintiff's motion for the appointment of counsel is **DENIED**.

SO ORDERED, this 8th day of May 2007.

/s/ *Richard L. Hodge*
RICHARD L. HODGE
UNITED STATES MAGISTRATE JUDGE